

CHAPTER 798. CORRECTIONS

PROBATION RECOVERY CAMPS Act 195 of 1935

AN ACT to provide for the establishment of probation recovery camps; to prescribe the powers and duties of the state prison commission with respect thereto; to designate persons eligible for entrance in said camps, and to declare the effect of this act.

History: 1935, Act 195, Imd. Eff. June 6, 1935.

The People of the State of Michigan enact:

798.1 Probation recovery camps; state prison commission to establish and supervise.

Sec. 1. The state prison commission is hereby authorized and it shall be the duty of said commission to provide and establish probation recovery camps, to be located in such regions of the state which are adapted to reforestation and the development and conservation of the natural resources of the state, other than agricultural. Said camps shall be under the complete and exclusive supervision of the state prison commission. Said commission shall have the power to acquire by purchase, gift, grant or devise, or condemnation under the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 3763 to 3783, inclusive, of the Compiled Laws of 1929, suitable sites and acreage; to erect and maintain appropriate buildings thereon; and to otherwise equip and furnish the said camps. The said commission is hereby authorized to engage teachers, trainers and other employees and incur such other expenses as shall be necessary to the proper functioning of this act.

History: 1935, Act 195, Imd. Eff. June 6, 1935;—CL 1948, 798.1.

Compiler's note: For provisions of Act 149 of 1911, referred to in this section, see MCL 213.21 et seq.

798.2 Probation recovery camps; rules and regulations.

Sec. 2. The said commission shall adopt and enforce rules and regulations for the government and discipline of the camps: Provided, That parolees shall be segregated from probationers and confined in separate camps and that no camp shall confine both probationers and parolees. The commission shall provide educational and instructive courses of both a civil and semi-military character: Provided, That such courses shall not be other than vocational or physical and shall be best suited to equip and train the inmates as good citizens.

History: 1935, Act 195, Imd. Eff. June 6, 1935;—CL 1948, 798.2.

798.3 Probation recovery camps; persons eligible.

Sec. 3. Any person convicted of a crime in this state who has been or shall be declared eligible to probation, under the laws of this state, by a court of competent jurisdiction, or who, in the opinion of the state prison commission, is qualified to parole from any penal institution, is eligible to confinement in the camps herein provided for.

History: 1935, Act 195, Imd. Eff. June 6, 1935;—CL 1948, 798.3.

798.4 Transfer of inmates; written notice, time.

Sec. 4. The said commission shall have the discretionary power to transfer an inmate from 1 camp to another whenever it shall deem such change wise for the welfare of the inmate or the interests of the camps. Written notice of any such transfer shall be given to the committing authority within 15 days from the date thereof.

History: 1935, Act 195, Imd. Eff. June 6, 1935;—CL 1948, 798.4.

798.5 Agreements with state departments for joint undertakings; conservation and development of natural resources.

Sec. 5. The commission shall have the power and authority to enter into agreements with the department of conservation or any other department or agency of the state for joint undertakings for the conservation and development of the natural resources of the state and for the recovery and reclamation of any inmate of the camps, or for any other kindred purpose wherein the facilities of any such department or agencies may be useful and available and of mutual benefit and advantage. The various agencies of the state shall establish, as far as possible, reciprocal relations for the efficient functioning of this act.

History: 1935, Act 195, Imd. Eff. June 6, 1935;—CL 1948, 798.5.

798.6 Construction of act.

Sec. 6. This act shall be construed as supplementary to the laws of this state with respect to pardons, paroles and probation.

History: 1935, Act 195, Imd. Eff. June 6, 1935;—CL 1948, 798.6.

SPECIAL ALTERNATIVE INCARCERATION ACT
Act 287 of 1988

AN ACT to establish special alternative incarceration units; and to prescribe certain powers and duties of the department of corrections and county sheriffs.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988.

The People of the State of Michigan enact:

798.11 Short title.

Sec. 1. This act shall be known and may be cited as the “special alternative incarceration act”.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988.

798.12 Definitions.

Sec. 2. As used in this act:

(a) “Department” means the department of corrections.

(b) “Prisoner” means a person serving a term of incarceration under the jurisdiction of the department.

(c) “Probationer” means a person placed on probation pursuant to chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 771.1 to 771.14a of the Michigan Compiled Laws.

(d) “Unit” means a special alternative incarceration unit.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988;—Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992.

798.13 Special alternative incarceration units; establishment; purposes; transportation to unit; processing; transfer.

Sec. 3. (1) The department shall establish special alternative incarceration units for the purpose of housing and training probationers eligible for special alternative incarceration pursuant to section 3b of chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 771.3b of the Michigan Compiled Laws. A probationer who is placed in a unit by a court shall be transported by the county sheriff directly to a unit and shall not be processed through the department's reception center for prisoners. The department may transfer a probationer from 1 unit to another unit at the department's discretion, during the probationer's incarceration in a unit.

(2) The department shall establish special alternative incarceration units for the purpose of housing and training prisoners eligible for special alternative incarceration pursuant to section 34a of Act No. 232 of the Public Acts of 1953, being section 791.234a of the Michigan Compiled Laws.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988;—Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992.

798.14 Program of physically strenuous work and exercise; term; special alternative incarceration aftercare residential pilot program; purpose; construction of facility.

Sec. 4. (1) The units shall provide a program of physically strenuous work and exercise, patterned after military basic training, and other programming as determined by the department. The term of any probationer's or prisoner's incarceration in a unit shall not exceed 120 days except that the probationer also shall be required to complete a period of not less than 120 days of probation under intensive supervision, and a prisoner also shall be required to complete a period of not less than 120 days of parole under intensive supervision. A probationer also may be required to complete a period of not more than 120 days in a residential program, if ordered by the sentencing court to do so under section 3b(9) of chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 771.3b of the Michigan Compiled Laws, or if required by the department to do so under section 3b(10) of chapter XI of Act No. 175 of the Public Acts of 1927.

(2) The department shall develop and operate a special alternative incarceration aftercare residential pilot program. The program shall be a residential program in which probationers may be required to participate pursuant to section 3b(10) of chapter XI of Act No. 175 of the Public Acts of 1927 and in which prisoners may be required to participate. The construction of the facility used for the purposes of the program shall be governed by a written agreement between the department, the department of management and budget, and the city, village, or township in which the program is operated.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988;—Am. 1989, Act 303, Imd. Eff. Jan. 3, 1990;—Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992.

798.15 Certification of satisfactory completion of course of training.

Sec. 5. (1) At any time during a probationer's incarceration in a unit, but not less than 5 days before the probationer's expected date of release, the department shall certify to the sentencing court as to whether the probationer has satisfactorily completed the course of training at the unit.

(2) At least 10 days before the prisoner's expected date of release, the department shall certify to the parole board as to whether the prisoner has satisfactorily completed the course of training at the unit.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988;—Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992.

798.16 Failure of probationer or prisoner to work diligently and productively or to obey rules; applicability of disciplinary procedures required by MCL 791.251 to 791.255.

Sec. 6. (1) A probationer who fails to work diligently and productively at the program of the unit, or who fails to obey the rules of behavior established for the unit, may be reported to the sentencing court for possible revocation of probation and may be housed in a county jail while awaiting a probation revocation determination.

(2) A prisoner who fails to work diligently and productively at the program of the unit, or who fails to obey the rules of behavior established for the unit, shall be returned to a state correctional facility and shall no longer be eligible for placement in the program. A prisoner removed from a unit for this purpose shall be credited for the time served in the unit except that all disciplinary credits accumulated in the unit may be forfeited.

(3) Disciplinary procedures required by sections 51 to 55 of Act No. 232 of the Public Acts of 1953, being sections 791.251 to 791.255 of the Michigan Compiled Laws, are not applicable in determining whether the rules of behavior established for the unit have been violated, except where the removal from the unit and the forfeiture of disciplinary credits are at issue.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988;—Am. 1992, Act 23, Imd. Eff. Mar. 19, 1992.

798.17 Effective date.

Sec. 7. This act shall take effect July 1, 1988.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988.

798.18 Conditional effective date.

Sec. 8. This act shall not take effect unless Senate Bill No. 691 of the 84th Legislature is enacted into law.

History: 1988, Act 287, Imd. Eff. Aug. 1, 1988.

Compiler's note: Senate Bill No. 691, referred to in this section, was filed with the Secretary of State August 1, 1988, and became P.A. 1988, No. 286, Imd. Eff. Aug. 1, 1988.

**INTERSTATE COMPACT; PROBATION, PAROLE, PREVENTION OF CRIME, AND
ENFORCEMENT OF PENAL LAWS
Act 89 of 1935**

AN ACT providing that the state of Michigan may enter into a compact or compacts with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses or who are or may be at large on probation or parole, and providing that the state may enter into a compact or compacts with any of the United States that will provide for cooperative effort and mutual assistance amongst them in the prevention of crime and in the enforcement of their respective penal laws and policies and to establish such agencies, joint or otherwise, as said states may deem desirable for making effective such agreements and compacts.

History: 1935, Act 89, Imd. Eff. May 27, 1935.

The People of the State of Michigan enact:

798.101 Interstate compact; probation and parole.

Sec. 1. The governor of this state is hereby authorized and directed to enter into a compact on behalf of the state of Michigan with any of the United States legally joining therein in the form substantially as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any 2 or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, (herein called "sending state") to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact, (herein called "receiving state") while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person's being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than 1 year prior to his coming to the sending state and has not resided within the sending state for more than 6 continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition or fugitives from justice are hereby expressly waived. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying. When ratified, it shall have the full force and effect of law within such state; the form of ratification to be in accordance with the laws of the ratifying state.

(7) That this compact shall continue in force and remain binding upon each ratifying state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which ratified it, by sending 6 months' notice in writing of its intention to withdraw from the compact.

History: 1935, Act 89, Imd. Eff. May 27, 1935;—CL 1948, 798.101.

Administrative rules: R 791.1101 et seq. of the Michigan Administrative Code.

798.102 Interstate compact; declaration of necessity.

Sec. 2. Whereas an emergency exists for the immediate taking effect of this act, the same shall become effective immediately upon its passage and, when the governor of this state shall sign and seal this compact or any compact with any other state, pursuant to the provisions of this act. Such compact or compacts as between the state of Michigan and such other state so signing shall have the force and effect of law immediately upon the enactment by such other state of a law giving it similar effect.

History: 1935, Act 89, Imd. Eff. May 27, 1935;—CL 1948, 798.102.

798.103 Interstate compact; prevention of crime.

Sec. 3. The governor of the state of Michigan is further authorized and empowered to enter into any other agreements or compacts with any of the United States not inconsistent with the laws of this state or of the United States, or the other agreeing states, for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of the penal laws and policies of the contracting states and to establish agencies, joint or otherwise, as may be deemed desirable for making effective such agreements and compacts. The intent and purpose of this act is to grant to the governor of the state of Michigan administrative power and authority if and when conditions of crime make it necessary to bind the state in a cooperative effort to reduce crime and to make the enforcement of the criminal laws of agreeing states more effective, all pursuant to the consent of the Congress of the United States heretofore granted.

History: 1935, Act 89, Imd. Eff. May 27, 1935;—CL 1948, 798.103.

DISCHARGE FROM PAROLE Act 277 of 1945

798.201, 798.202 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.

FARMS AND STONE QUARRIES Act 301 of 1931

798.301-798.303 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.

PRISON CAMPS IN CONSERVATION AREAS Act 274 of 1949

798.351-798.353 Repealed. 1964, Act 256, Eff. Aug. 28, 1964;—1981, Act 119, Imd. Eff. July 19, 1981.

JACKSON; SALE OF STATE LAND Act 171 of 1939

798.401-798.405 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.

SALE OF WATER TO LOCAL INDUSTRY
Act 386 of 1974

AN ACT to authorize the department of corrections to sell water to local industry; and to provide for the disposition of revenues derived therefrom.

History: 1974, Act 386, Imd. Eff. Dec. 23, 1974.

The People of the State of Michigan enact:

798.411 Contract to supply water from southern Michigan prison to local industry; mandatory provisions.

Sec. 1. (1) The director of the department of corrections may contract with the Jackson area industrial development corporation to supply water from southern Michigan prison to local industry.

(2) The contract shall provide:

- (a) That the water shall be used solely for fire protection and fire extinguishing systems.
- (b) That the water shall be sold at not less than its fair market value.
- (c) That all water main and other installation and maintenance costs shall be paid by the corporation.

History: 1974, Act 386, Imd. Eff. Dec. 23, 1974.

798.412 Approval of contract.

Sec. 2. The contract authorized by this act shall be approved by the attorney general.

History: 1974, Act 386, Imd. Eff. Dec. 23, 1974.

798.413 Disposition of revenues; liability for damages.

Sec. 3. The revenues received under this act shall be deposited in the state treasury and credited to the general fund. The state of Michigan and the Michigan department of corrections and all personnel shall not be held liable for any damages which might result from the failure or inability of the prison water system to supply the private corporation with water under any circumstances.

History: 1974, Act 386, Imd. Eff. Dec. 23, 1974.

JACKSON; SALE OF PROPERTY
Act 192 of 1939

798.421, 798.422 Repealed. 1964, Act 256, Eff. Aug. 28, 1964.